

**REMARKS**

Claims 1-15 have been examined. With this amendment, Applicants cancel claim 2 and add claims 16-25. Claims 1 and 3-25 are all the claims pending in the application.

**1. Objections to the Specification**

The Examiner has objected to the title as not being descriptive and requires a new title. Applicants submit that the modifications to the title obviate the objection.

**2. Objection to the Claims**

The Examiner has objected to claims 11-13 because of the recitation “detecting a preceding recording duty ratio of the image at a position scanned later than said present recording duty ratio detecting means in the main scanning direction” in claim 11. The Examiner contends that the “present recording duty ratio” is not scanned and, therefore, unrelated to the “position scanned later.”

Applicants submit that the modifications to claim 11 obviate the objection.

**3. Claim Rejection Under 35 U.S.C. § 112**

The Examiner has rejected claim 8 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner contends that the recitation “applying a random number to the detected recording duty ratio” has insufficient antecedent basis because it is unclear if the “detected recording duty ratio” refers to the ratio of a given area in an image (claim 5) or the ratio recited in claim 1.

Applicants submit that the modifications to claim 8 obviate the rejection.

**4. Claim Rejections Under 35 U.S.C. § 102**

The Examiner has rejected claims 1-3, 5, 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Inoue (US 5,731,884) [“Inoue”]. For at least the following reasons, Applicants traverse the rejection.

Claim 1 recites an apparatus for recording an image that comprises a “light beam intensity modulating means ... for modulating the intensity of the light beam to a higher level in a highlight area of the image when compared to other areas of the image that have higher gradation values.” The Examiner contends that halftone dot area percentage corresponds to the claimed recording duty ratio and a black dot corresponds to the claimed highlight area of the image. The Examiner also contends that recording a black dot would correspond to the claimed modulating the intensity of the light beam to a higher level when compared to not recording the black dot. Office Action at page 4.

Inoue discloses that a laser beam for producing an image on a film F is turned on or off based on a threshold T and the halftone dot area percentage data  $S_j$  and that the on-level is variable based on the gradation re-calibrating means (elements 18 and 25, Fig. 1, and col. 5, lines 18-38). Inoue also discloses that the power level of the laser is recalibrated if the halftone dot area percentage  $S_o$  of a test pattern is outside an allowable range for that test pattern (col. 8, lines 63-66).

Therefore, even if a black dot corresponds to the claimed highlight area, there is no disclosure or suggestion in Inoue that the power level of the laser to record the black dot is necessarily higher than the power level for recording in other areas of the image, only that the power level is adjusted based on a test pattern. Accordingly, Inoue does not disclose or suggest

the claimed modulating the intensity of the light beam to a higher level in a highlight area of the image when compared to other areas of the image that have higher gradation values as set forth in claim 1.

Because claim 14 recites features similar to those given above with respect to claim 1, Applicants submit that claim 14 is patentable for at least reasons similar to those given above with respect to claim 1.

Applicants submit that claims 3, 5 and 15 are patentable at least by virtue of their respective dependencies.

**5. Claim Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Persoon et al. (US 4,501,016) ["Persoon"]. For at least the following reason, Applicants traverse the rejection.

Because Persoon does not cure the deficient teachings of Inoue given above with respect to claim 1, Applicants submit that claim 4 is patentable at least by virtue of its dependency.

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Bosschaerts et al. (US 5,783,356) ["Bosscherts"]. For at least the following reason, Applicants traverse the rejection.

Because Bosschaerts does not cure the deficient teachings of Inoue given above with respect to claim 1, Applicants submit that claim 9 is patentable at least by virtue of its dependency.

**6. Allowable Subject Matter**

Applicants thank the Examiner for finding allowable subject matter in claims 6, 7 and 10 and for indicating that they would be allowable if rewritten in independent form.

Applicants have rewritten claims 6, 7 and 10 in independent form at this time.

**7. New Claims**

With this amendment, Applicants add claims 16-25. Applicants submit that claims 16 and 17 are patentable for reasons analogous to those given above with respect to claims 1 and 11, respectively. Applicants submit that claims 18-25 are patentable at least by virtue of their respective dependencies, as well as the features set forth therein.

**8. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
U.S. Serial No. 09/810,661

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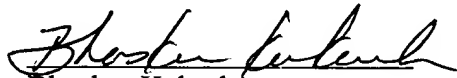
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**23373**

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